

**MINNESOTA BOARD OF MEDICAL PRACTICE
BOARD MEETING
2829 UNIVERSITY AVE. SE
MINNEAPOLIS, MN 55414-3246**

January 12, 2013

The Minnesota Board of Medical Practice met on January 12, 2013, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Gregory Snyder, M.D., DABR, President; Keith Berge, Vice President; Sarah Evenson, J.D., MBA, Secretary; Ahsan Bhatti, M.D., FACP; Debbie Boe; Mark A. Eggen, M.D.; V. John Ella, J.D.; Rebecca Hafner-Fogarty, M.D., MBA; Subbarao Inampudi, M.D., FACR; Irshad H. Jafri, M.D., FACP; Kelli Johnson, MBA; Charles Moldow, M.D.; Maria Statton, M.D., Ph.D.; and Jon Thomas, M.D., MBA

PUBLIC SESSION

Agenda Item 1: Call to Order and Roll Call

The board meeting was called to order by Gregory Snyder, M.D., DABR, Board President. Roll call was taken by board staff.

Introduction of New Board Members

Dr. Snyder welcomed new board members, Irshad Jafri, M.D., FACP and Maria Statton, M.D., Ph.D. to the board and requested that they give a brief introduction of themselves.

Dr. Jafri is currently the Department Head of Gastroenterology and Hepatology at Regions Hospital and the HealthPartners Medical Group. Dr. Jafri represents Congressional District Two and replaces Alfred V. Anderson, M.D., D.C., on the board.

Dr. Statton practices Family Medicine at Sanford Health of Northern Minnesota. Dr. Statton represents Congressional District Eight and replaces Tracy Tomac, M.D., on the board.

Agenda Item 2: Minutes of the November 10, 2012, Board Meeting

The minutes of the November 10, 2012, Board meeting were received and approved as circulated with a correction noted by Keith Berge, M.D., and clarified by Stewart Williams, J.D., public board member of the Minnesota Board of Nursing, that the minutes should reflect that the Board of Nursing's view is that current law does require the Health Professional Services Program to report diversion to the Board of Nursing.

Agenda Item 3: Board Service Awards for Drs. Lampe and Langland

Dr. Snyder presented Board Service Awards to Ernest Lampe, II, M.D., and James Langland, M.D. Dr. Snyder summarized Drs. Lampe and Langland's service to the board.

Agenda Order Change

Due to a delay in the set-up of the overhead projector, Dr. Snyder changed the order of the agenda; the update on the Workgroup to Study the Minnesota Medical Practice Act (agenda item number 8) will be presented prior to the Presentation on the Health Insurance Portability and Accountability Act (HIPPA) Regulation (agenda item 4).

Agenda Item 8: Update on the Workgroup to Study the Minnesota Medical Practice Act

Jon Thomas, M.D., MBA, gave an overview of the November 20, December 10, and December 21, 2012, meetings of the Workgroup to Study the Medical Practice Act. The Workgroup has concluded its work. Dr. Thomas briefly went over the anticipated recommendations of the Workgroup. The Medical Practice Act Work Group Report will be sent to the Sunset Commission the week of January 14, 2013, where the Report will be finalized. Board discussion followed.

Board members requested that an electronic copy of the Report be sent to them when it is available. Mr. Leach agreed to do so and stated that it will also be posted on the board's website.

Agenda Item 4: Presentation on the HIPPA Regulations

The board heard a presentation by Jacki Monson, Privacy Officer at the Mayo Clinic on the Health Insurance Portability and Accountability Act (HIPPA). A question and answer session followed.

Agenda Item 5: Licensure and Registration

On recommendation of the Licensure Committee, physician applicants 1 - 115 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicants 116 - 118 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 119 - 126 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Athletic Trainers Advisory Council, athletic trainer applicants 127 - 136 of the agenda were approved for registration subject to the receipt of verification documents.

On recommendation of the Physician Assistant Advisory Council, physician assistant applicants 137 - 159 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Respiratory Therapist Advisory Council, respiratory therapist applicants 160 - 171 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Midwifery Advisory Council, midwifery applicants 172 - 174 of the agenda were approved for licensure subject to receipt of all verification documents.

Agenda Item 6: Licensure Committee

- Agenda Item 6a: Minutes of the December 20, 2012, Licensure Committee

Subbarao Inampudi, M.D., FACR, Chair of the Licensure Committee presented the minutes of the December 20, 2012, Licensure Committee Meeting, noting that item numbers 8, 9, and 11, will be presented elsewhere in the agenda.

Rebecca Hafner-Fogarty, M.D., MBA, requested that item number 2 of the December 20, 2012, Licensure Committee Meeting Minutes be withdrawn for further discussion at the next Licensure Committee meeting. Item number 2 will be resubmitted at the March 9, 2013, board meeting. Subbarao Inampudi, M.D., FACR, 2012 Chair of the Licensure Committee agreed to this.

The minutes and actions of the December 20, 2012, meeting of the Licensure Committee, with the exception of item #2, which will be presented at the March 9, 2013, board meeting, and with the exception of item numbers 8, 9, 11 that will be presented elsewhere in the agenda were approved as circulated.

- Agenda Item 6b: Board Sponsorship for USMLE Step 3

The FSMB is gathering state board feedback regarding continuing state board sponsorship for USMLE Step 3. The Licensure Committee recommends eliminating board support of USMLE Step 3 for physicians. Discontinuance of Minnesota Board sponsorship for Step 3 would not require a change in any statute or rule.

After board discussion, the board felt it is outdated in an electronic era and is in support of eliminating board support of USMLE Step 3.

A motion was made and passed unanimously to eliminate board sponsorship of USMLE Step 3 for physicians.

- Agenda Item 6c: Acupuncture Advisory Council Appointments

The Licensure Committee nominates Peggy Miller, LAc and Jay Greenberg, D.C., LAc for reappointment to the Council.

A Motion was made and passed unanimously to reappoint the following members to the Acupuncture Advisory Council:

Jay Greenberg, D.C., LAc, Chiropractor Member
Peggy Miller, Lac, Acupuncture Member

- Agenda Item 6d: Nutrition and Dietetics Legislation

The Minnesota Academy of Nutrition and Dietetics is requesting that the Board of Medical Practice support legislation which would insert language into Pharmacy Statute 151 and their Statute 148 (language included in the board agenda). The Licensure Committee recommends that the board take a neutral position on the Nutrition and Dietetics Legislation.

A motion was made and passed unanimously to take a neutral position on the upcoming Nutrition and Dietetics Legislation.

Board Agenda Item 7: Athletic Trainer Proposed Legislation

At the September 10, 2011, board meeting, the board reviewed proposed legislation by the Minnesota Athletic Trainer Association (MATA) to amend the Athletic Trainer Practice Act. The board unanimously passed a motion accepting the revisions to the Athletic Trainers Practice Act and stating that the board maintains a neutral stance on legislation.

Lori Glover, ATC, Legislative Co-Chair of the Minnesota Athletic Trainers Association submitted a new, scaled back draft of the bill to the Licensure Committee (included in the agenda) to be introduced in the 2013 legislative session in another attempt to get the Athletic Trainers Practice Act updated. Board staff recommends the board remain neutral on legislation.

After a brief board discussion, a motion was made and unanimously passed that the board maintains a neutral stance on the revised legislation to update the Athletic Trainer Practice Act.

Agenda Item 9: Proposed Legislation to Require Employers to Report Drug Diversion to the Appropriate Health Licensing Board

Dr. Berge met with Senator Carla Nelson to discuss legislation that would strengthen the employer requirement to report disciplinary action to the board by adding a significant fine. Dr. Berge asked the board for its support to proceed with this legislation.

The board asked if there was any draft legislation available to review. Dr. Berge stated that there isn't any yet, but hopes to have it available for the March 9, 2013, board meeting.

After board discussion, a motion was made and passed to support legislation to require employers to report healthcare providers who are diverting drugs to the appropriate health licensing board. Mr. Ella abstained.

Agenda Item 10: Proposed Resolution to the FSMB on Drug Diversion Reporting Requirements

Keith Berge, M.D., requested board approval of a resolution to the Federation of State Medical Boards to encourage other state medical boards to promote legislation requiring all healthcare workplace employers to report drug diversion by healthcare licensees to the respective Health Licensing Boards under penalty of significant fines.

The board discussed the FSMB Resolution.

Mr. Ella requested that text be added to the first Resolved "any discipline based on such diversion." A motion was made and passed to accept the additional text to the resolution. Dr. Eggen voted no.

A motion was made and passed unanimously to accept the Federation of State Medical Boards' (FSMB) Resolution as revised by Mr. Ella.

Passed Revised Resolution:

Resolution to the
Federation of State Medical Boards

- Whereas,** Controlled substance abuse, addiction, and overdose deaths are a national concern;
- Whereas,** Controlled substance diversion from healthcare workplaces is increasing in frequency;
- Whereas,** Such diversion presents significant risks to public and patient safety;
- Whereas,** Such diversion constitutes a felony level crime;
- Whereas,** Health Licensing Boards (HLBs) are charged with protecting public and patient safety and investigating crimes related to the practice of health care professions;
- Whereas,** HLBs need information related to diversion by licensees;
- Whereas,** Healthcare workplace employers often fail to report diversion by licensees to HLBs;

Therefore, be it hereby

Resolved, That the Federation of State Medical Boards (FSMB) develop model legislation to require all healthcare workplace employers to report any discipline based on drug diversion to HLBs under penalty of significant fines;

Therefore, be it hereby

Resolved, That the FSMB encourage all states which do not possess such legislation to promote legislation requiring all healthcare workplace employers to report drug diversion by healthcare licensees to the respective HLBs under penalty of significant fines.

Agenda Item 11: FSMB Annual Meeting

Mr. Leach informed Board members that the annual meeting of the Federation of State Medical Boards will be held April 18 – 20, 2013, in Boston, Massachusetts at the Sheraton Boston Hotel and instructed the Board on the reservation procedures. Mr. Leach reminded board members that they must go through Travel Leaders for their airline reservations in order to be reimbursed for plane tickets. Dr. Snyder encouraged board members to attend.

Agenda Item 12: FSMB Women's Networking Reception

Dr. Hafner-Fogarty asked the board if they feel the Women's Networking Reception is still relevant. Dr. Hafner-Fogarty feels that it is and that there is still a need to support, encourage, and foster participation of women in the activities of the FSMB. Dr. Hafner-Fogarty gave a brief history of the Women's Network Reception to the board.

Board discussion included:

- Renaming the Women's Network Reception to the Doris Brooker Reception or, to be more inclusive, the Minnesota Reception;
- Adding educational components, such as diversity and leadership development;
- Recognition either by award or a profile hand-out of dedicated female FSMB attendees, also discussed was including males for recognition.

A motion was made and passed, that for this year, the board continues the Women's Networking Reception and that board staff try to schedule the Reception for Wednesday evening, April 17, 2013. Debbie Boe voted no.

Dr. Snyder suggested that the discussion be reopened when the board has more time to discuss it.

Agenda Item 13: Proposal for FSMB Evaluation

As a result of the negative articles in the Star Tribune last year, the legislature passed a sunset bill which required the board to undergo two studies; one by the Office of the Legislative Auditor (which was favorable) and one by the Commissioner of Health Workgroup to evaluate the Medical Practice Act.

The FSMB has a process in place for evaluating medical boards and Mr. Leach requested a proposal from them (included in the board agenda) for the board's consideration and vote. The costs associated are considerable.

Mr. Leach felt that the two evaluations required by the Sunset bill were fairly limited. One looked at the board's Complaint Review process and the other reviewed the Medical Practice Act. Mr. Leach explained that the FSMB Evaluation is a broad overview from licensure to the

board's finances. Mr. Leach thought it might be good to have their peer organization, the FSMB do a review in case of another investigation by the media.

Dr. Roger Day, a member of the audience, addressed the board and recommended that the board proceed with the FSMB Evaluation and encouraged board members to talk to him to resolve the concerns he has about the function of the board. Dr. Snyder thanked him for his offer of service.

After board discussion, the board felt it needed more information before expending the funds for a FSMB Evaluation, therefore, a motion was made and passed to table the decision on whether the board should contract with the FSMB for an evaluation until Mr. Leach has gathered feedback from other State Medical Boards that have been audited by the FSMB within the last 2 to 3 years and report back to the board with the results. Ms. Boe voted no.

Agenda Item 14: Board Committee Appointments for Year 2013

Dr. Snyder presented the 2013 Board Committee Appointments for the board's information.

COMPLAINT REVIEW COMMITTEES

A.

Keith Berge, MD, Chair
Mark Eggen, MD
Gerald Kaplan, MA, LP

B.

Joseph Willett, DO, FACOI, Chair
Sarah Evenson, JD, MBA
Subbaro Inampudi, MD, FACR

LICENSURE COMMITTEE

Rebecca Hafner-Fogarty, MD, MBA, Chair*
Ahsan Bhatti, MD, FACP
Irshad H. Jafri, MD., FACP
Kelli Johnson, MBA
Charles Moldow, MD

POLICY AND PLANNING COMMITTEE

Jon Thomas, MD, MBA, Chair
Debbie Boe
V. John Ella, JD
Maria Statton, MD, Ph.D.

*Mr. Leach noted that Dr. Hafner-Fogarty is Chair of the Licensure Committee; this was inadvertently left out of the agenda.

Dr. Inampudi recognized and expressed his gratitude to Jeanne Hoffman, Licensure Committee Supervisor for the wonderful work she does with the Licensure Committee and how smoothly the Committee runs. Dr. Inampudi will miss serving on the Licensure Committee. The board gave Ms. Hoffman a round of applause.

Agenda Item 15: Corrective Action Agreement

The Corrective Action Agreement included in the agenda is for information only.

End of public session.

EXECUTIVE SESSION

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Gregory Snyder, M.D., DABR, President; Keith Berge, Vice President; Sarah Evenson, J.D.; MBA, Secretary; Ahsan Bhatti, M.D., FACP; Debbie Boe; Mark A. Eggen, M.D.; V. John Ella, J.D.; Rebecca Hafner-Fogarty, M.D., MBA; Subbarao Inampudi, M.D., FACR; Irshad H. Jafri, M.D., FACP; Kelli Johnson, MBA; Charles Moldow, M.D., Maria Statton, M.D., Ph.D.; and Jon Thomas, M.D., MBA,

PATRICIA A. ALLEN, D.O.

On recommendation of the Complaint Review Committee, the Order for unconditional license signed by Dr. Allen was approved.

DANIEL R. BERG, M.D.

On recommendation of the Complaint Review Committee, the Stipulation and Order for conditioned license signed by Dr. Berg was approved.

FREDERICK E. EKBERG, M.D.

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand, conditioned and restricted license signed by Dr. Ekberg was approved. Mr. Ella abstained.

SUSAN J. FRAZIER, M.D.

On recommendation of the Complaint Review Committee, a Stipulation and Order was issued to Dr. Frazier based on her Wisconsin Final Decision and Order. The Stipulation and Order signed by Dr. Frazier was approved.

GAYL L. GUSTAFSON, M.D.

On recommendation of the Complaint Review Committee, the Order for unconditional license signed by Dr. Gustafson was approved.

MARTIN J. JANNING, M.D.

On recommendation of the Complaint Review Committee, The Stipulation and Order for conditioned license signed by Dr. Janning was approved.

LYLE E. LUNDBLAD, D.O.

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand, conditioned and restricted license signed by Dr. Lundblad was approved.

MICHAEL A. MADDAUS, M.D.

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand, conditioned and restricted license signed by Dr. Maddaus was approved. Drs. Moldow and Snyder abstained.

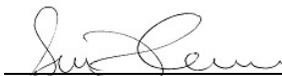
MARC J. MYER, M.D.

On recommendation of the Licensure Committee, the Order for unconditional license signed by Dr. Myer was approved.

EDWARD W. RUTLEDGE, M.D.

On recommendation of the Licensure Committee, the Stipulation and Order for stayed suspension, conditioned and restricted license signed by Dr. Rutledge was approved. Dr. Snyder recused.

There being no further business, the meeting was adjourned.



Sarah Evenson, J.D., MBA
Secretary
MN Board of Medical Practice

February 28, 2013
Date